

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

CRIMINAL MINUTES - GENERAL MINUTES

Case Nos.:

Date: 6/7/19

4:18CR11 USA v. Marcus Jay Davis, et al
and
4:18CR12 USA v. Dashawn Romeer Anthony, et al

4:18CR11

-001 Marcus Jay Davis – Tony Anderson, Bev Davis
-002 Kevin Lamont Trent – Aaron Cook, Jimmy Turk
-003 Kanas Lamont'e Trent – Bonnie Lepold, Mike Hemenway
-004 Deshaun Lamar Trent – Chris Kowalczyk, Patrick Kenney
-005 Phillip Daekwon Miles – Tyson Daniel. Carey Bowen
-006 Shabba Larun Chandler – Aaron Houchens, Jeff Dorsey
-008 Ashley Tiana Ross – Terry Grimes
-010 Tenikqua A. Fuller - Correy Diviney

4:18CR12

-003 Tredarius Jameriquan Keene – Barry Proctor
-004 Montez Lamar Allen – Neil Horn
-005 Javontay Jacquis Holland – Jacqueline Reiner, Tom Bondurant, Jennifer DeGraw
-008 Jalen Cormarrius Terry – Paul Beers

PRESENT:	JUDGE:	Michael F. Urbanski, CUSDJ
	TIME IN COURT:	12:16- 2:41; 2:56-3:47 3 hours and 16 minutes
	Deputy Clerk:	Kristin Ayersman
	Court Reporter:	Mary Butenshoen
	U. S. Attorney:	Matt Miller, Laura Rottenborn, Heather Carlton, Ron Huber
	USPO:	Mike Terry
	Case Agent:	none
	Interpreter:	none

PROCEEDINGS:

Pretrial Motions/Conference

All parties present with counsel in Roanoke today for hearing; Danville cases.

Court notes traffic on 81 has caused delay in travel for some people – Mr. Bondurant notes Ms. Reiner will be here in 20 mins – court going forward with hearing.

Court notes Simms decided, has read all briefs – addresses motions before the court.

Court grants govt's motions to dismiss counts re 924c motions, counts associated with assault as stated on record in both cases are dismissed.

Other 924c counts - question of how to define murder.

Responses from counsel:

4:18CR11-004 Dashaun Lamar Trent – Chris Kowalczyk.

4:18CR11-002 Kevin Lamont Trent – Aaron Cook.

4:18CR12-008 – Jalen Cormarrius Terry – Paul Beers.

US responds.

Response to US argument by Mr. Kowalczyk and joins Mr. Beers argument.

Mr. Cook as additional observation/response.

Final response from US on these arguments.

Court asks Mr. Beers to address VICAR counts related to assault – and should they be dismissed.

Mr. Cook addresses same issue.

Mr. Kowalczyk adopts arguments of Mr. Beers/Mr. Cook.

US responds.

Mr. Beers has response to US argument.

Mr. Cook responds.

Mr. Kowalczyk responds re misdemeanor.

US responds – Mr. Kowalczyk w/d's his argument, read statute incorrectly. Responds to Mr. Beers argument.

4:8CR12-005 Javontay Jacquis Holland/Ms. Reiner addresses issue – joins in all arguments already presented, but addresses Ct 14 for her client and Mr. Allen – should be dismissed.

Mr. Beers has further comment.

Court asks for any further argument.

Ms. Reiner addresses her motions.

US responds. Ms. Reiner responds.

Court asks for any further argument on anything that has been raised – none. Court will issue opinions.

Court has read recent update from Mr. Aoki re discovery.

Court has also read pleadings re questionnaire.

Mr. Kowalczyk addresses the certified business records that the US has been filing – asking for specific location of documents.

US (Heather Carlton) addresses – will be filing exhibit list next week which should clarify that for defense counsel. All exhibits will be electronic, no paper to be used in trial. US will not list entire exhibit, just excerpt being used. Court will address any issues defense counsel may raise after exhibit list provided.

Court notes electronic exhibit software may not be available by the time this trial occurs.

US will provide a hard drive to the clerk with all exhibits on it at the end of every day and will put only those exhibits used on that hard drive. US responds re the business records. US states witness list will name names, and exhibit lists will also give identification – US moves to treat these lists under the terms of the discovery order. Court asks if there are any objections to that from dfts – copies cannot be shared and would not be filed with the court.

Court addresses parties re the trial – feels strongly that this case should be tried in four weeks, states reasons on record. Court doesn't want cumulative testimony/cross examination – will not allow it. Court notes EDVA gang case recently tried with more defendants in less time than this court's 2017 trial. Parties must marshal evidence. US notes that witnesses could be streamlined if defense counsel would stipulate. Court has also considered not holding court on Friday for comfort of jurors, which will further reduce time in court. US asks if voir dire will or will not be included in government's time – no.

Mr. Kowalczyk states he has not been approached about stipulations – US states it has addressed stipulations with defense. Court willing to set a ddl on stipulations if parties want one.

4:18CR11-001 Marcus Jay Davis - Tony Anderson addresses time factor and stipulation of exhibits.

4:18CR11-003 Kanas L Trent - Bonnie Lepold – re their ext of time to provide alibi notice. Asking for 90 days/July 1 ddl re alibi notice re 6/15/2016 shooting.

US (Ron Huber) responds – delays impact ddls, and if court inclined to grant cont, please allow US same amount of time to respond to it. US responds to three other alibi issues – asks for direction from court to have dfts respond. Court gives Ms. Lepold until 7/1/19 for response – by oral order. US asks for ability to supplement exhibit list and witnesses lists to address alibi raised – oral order giving US opportunity to do so by Aug 1. US notes four dfts remaining in 4:18CR12 – reads order re Danville – US intends to move that the 4:18CR12 be tried in Danville. Court agrees, and if it is possible to do it safely in that courthouse, it may be done there – Court will need to address with USMS.

Court recesses for 15 mins to allow facility break. 2:41

Reconvene 2:56

Ms. Reiner addresses alibi issue. US clarifies 2 noon to 12 a.m./midnight on Aug 20, 2016. Ms. Reiner addresses her motion for a bill of particulars.

4:18CR12-004 Montez Lamar Allen -Mr. Horn addresses alibi issues, but asks to w/d 342 motion.

Counsel passes up several court cases for courts review.

US responds to alibi issue (Huber), bill of particulars (Carlton) asking that that motion be denied.

US notes one more pending motion by Holland – Court asks Ms. Reiner to address. Ms. Reiner addresses her motion to ext time – will not ask for continuance of evidentiary issues set for July. Court asks if any other issues.

418CR11-008 Ashley T Ross - Mr. Grimes addresses bill of particulars re his client.

4:18CR11-001 Marcus Jay Davis – Mr. Davis addresses confusion on alibi issue re time. Court will not amend for government and if US wants to submit a new alibi notice, they can, but will not allow amendment post hoc.

Court asks if any other issues to take up – nothing from counsel.

Court will issue opinions. Court will not issue ruling on first issue until Supreme Court issues theirs. Substantive challenges to alibi question will be dealt with as well as the other issues discussed today.

Adjourn. 3:47